IN THE HIGH COURT OF JUDICATURE AT BOMBAY

APPELLATE SIDE

MISC. CIVIL APPLICATION NO.67 OF 2007

Mrs.Minakshi Sudhir Kale : Applicant
(Orig.Respondent)

V/s.

Sudhir Yadaorao Kale : Respondent
(Orig.Petitioner)

...

Mr.Vilas B. Tapkir for the applicant.

Mr.D.M.Gupte for the respondent.

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**CORAM : S.A.BOBDE, J.**

DATE : OCTOBER 24, 2007.

**P.C**.

1. This is an application by the wife under section 24 of the Code of Civil Procedure seeking transfer of the divorce petition filed by the respondent-husband from the Court at Pune to the applicant's place of residence at Yavatmal. The applicant seeks the transfer on the ground that she is residing in Yavatmal after separation and that she has filed a criminal case under the Domestic Violence Act which is pending at Yavatmal Court. She further seeks transfer on the ground of inconvenience, viz., that she would have to travel with her son and her father to the

Court at Pune.

2. Normally, the convenience of the wife would have to be given greater importance. However, in the present case, it appears that the wife would be required to travel to Pune regularly to pursue her criminal case under section 498A of the Indian Penal Code in a Court at Pune. The learned counsel for the applicant states that the applicant has no intentions not to prosecute the criminal case at Pune. Having regard to the fact that the wife would be required to regularly travel to Pune to prosecute her case under section 498A of the Indian Penal Code, it appears that the inconvenience on account of travel would have to be undergone any way.

3. In the circumstances, this application for transferring the litigation from Pune to Yavatmal is rejected.

S.A. BOBDE, J.